



News from

Congressman Ron Kind

REPRESENTING WISCONSIN'S THIRD
CONGRESSIONAL DISTRICT

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Kind Letter Aims to Protect Wisconsin's Organic Farmers *Court Ruling to Have Potential Impact on Organic Farming Standards*

Washington, DC – U.S. Rep. Ron Kind (D-WI), co-chair of the U.S House Organic Caucus, sent a letter yesterday to Secretary of the U.S. Department of Agriculture Mike Johanns, expressing concern over potential changes to the Organic Farming Production Act (OFPA) that could adversely impact some organic producers, particularly smaller family farmers. The USDA is to review current organic farming standards in accordance with a court-ordered mandate issued in the case of *Harvey v. Veneman*. In the letter, Kind expresses a desire to work with the new secretary to find a means to resolve this conflict so the intent of Congress and the USDA can be fully implemented and clearly understood.

The Organic Food Production Act of 1990 served to establish uniform national standards for the production and handling of foods labeled as "organic." In *Harvey v. Veneman*, Arthur Harvey, an organic blueberry grower, claimed that seven National Organic Program (NOP) provisions were not consistent with the OFPA, which became effective in October 2002. The court agreed with Harvey that two NOP provisions were outside the program's authority and contradicted OFPA.

Letter below.

March 3, 2005

The Honorable Mike Johanns
US Department of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Secretary Johanns:

Congratulations on your appointment to be the Secretary of the US Department of Agriculture (USDA). As co-chairs of the House Organic Caucus we are looking forward to working with you on the many challenges that lie ahead, especially for organic agriculture producers. Across the country, farmers transitioning into organic production have found many niche markets that have proven to be very lucrative, and in many cases have financially saved the family farm.

In recent years organic farms have become more prevalent, better understood, and economically viable. The public in increasing numbers is looking not only at nutrition information, but even how and where their food is grown. The Organic Food Production Act of 1990 (OFPA), with the help of USDA and many hard working farms using their ingenuity and initiative, have made organic farming a part of the American landscape.

The big challenge before us now is the recently decided case of *Harvey v. Veneman* and its probable effect on OFPA. The three counts that concern us are the alleged exemption for non-organic products not commercially available, the use of synthetic substances in processing, and the conversion of dairy herds to organic production. These holdings could significantly impair, especially the smaller family farms, from continuing their organic operation or make it financially impossible to transition into organic production.

Based on the *Harvey v. Veneman* lawsuit, the USDA will have to rewrite the regulation to implement the court decision. This will have the impact of eliminating most organic food and feed products from the marketplace. Any product currently in the marketplace and eligible to bear the certified USDA organic seal – 70 percent and above organic content – will be impacted. Consumer sales of organic foods accounted for \$10.38 billion in 2003. The organic industry has enjoyed growth rates of 17 to 20 percent since 1997, and this decision could decimate every sector of the organic industry.

This challenge is pressing and immediate, and we look forward to working with you to find a means to resolve this conflict so the intent of Congress and the USDA can be fully implemented and clearly understood.

Respectfully,

Wayne T. Gilchrest
Member of Congress

Ron J. Kind
Member of Congress

Jim Walsh
Member of Congress

Peter DeFazio
Member of Congress